

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ALVIN ROYBAL, JERRY B. SANCHEZ,
and ANSELMO SMITH,

Plaintiffs,

vs.

Civ. No. 13-00025 KG/KBM

CITY OF ALBUQUERQUE, et al.,

Defendants.

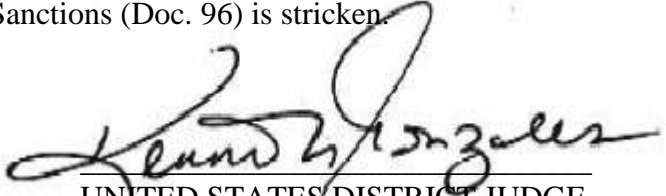
ORDER

This matter comes before the Court upon Plaintiffs' Motion for Sanctions, filed on August 26, 2014, by Plaintiffs' attorney, Paul Livingston. (Doc. 96). On September 2, 2014, Defendant City of Albuquerque filed a response which included a request to strike the Motion for Sanctions. (Doc. 97). On September 3, 2014, Defendant Paula Forney also filed a response, and on September 9, 2014, Defendant City Personnel Board filed a response as well. (Docs. 98 and 101). Plaintiffs did not file a reply. Having considered the Motion for Sanctions, the responses, and the fact that the New Mexico Supreme Court and the Tenth Circuit Court of Appeals have disbarred Mr. Livingston, the Court strikes the Motion for Sanctions.

On August 20, 2014, six days prior to Mr. Livingston filing the Motion for Sanctions, the New Mexico Supreme Court permanently disbarred Mr. Livingston from the practice of law in the State of New Mexico. (Doc. 97-1). The New Mexico Supreme Court made the disbarment effective immediately. *Id.* Because of this disbarment, Mr. Livingston was no longer eligible to practice in this Court, effective August 20, 2014. *See* D.N.M. LR-Cv 83.2(a)(1) ("must be a member in good standing of the State Bar of New Mexico" to be admitted to District of New Mexico federal bar); D.N.M. LR-Cv 83.4(a) (to participate as an attorney in a pending

proceeding, attorney must be eligible under Local Rule 83.2). Hence, Mr. Livingston was prohibited from filing the Motion for Sanctions under this Court's Local Rules. In addition, on October 24, 2014, the Tenth Circuit Court of Appeals disbarred Mr. Livingston. *In re: Livingston*, No. 14-806 (10th Cir. Oct. 24, 2014). The Court, therefore, strikes the Motion for Sanctions.

IT IS ORDERED that the Motion for Sanctions (Doc. 96) is stricken.



UNITED STATES DISTRICT JUDGE